

### Remarks

Claims 1 – 15 are pending in the present application. Claims 1-15 are presently rejected under 35 USC §112 as being indefinite for failing to distinctly claim the invention. Additionally, Claims 1-15 are rejected under 35 USC §103 as being obvious over US Patent 6,400,707 (Baum) in view of US Patent 5,606,668 (Shwed).

Claims 1, 6, 9 and 14 have been amended to claim “passive copying” of the data packet at the firewall. The term “passive copying” is defined as leaving the entire contents of the data unchanged. This includes the frame field, header, trailer and body. Leaving the contents of the data unchanged prevents detection of the firewall because no indication of its presence is added to the data as it is received at the firewall. Support for these amendments is found in Paragraph 27 of the specification which states:

**The passive copying 114 by the firewall of the packet is a low level operation that does not change the contents of the packet. No address exists for the firewall. Consequently, no address from the firewall is added to the packet, including the MAC address. Instead, the firewall allows the ethernet frame field along with the source address and other information of the packet to stay the same as when it was received by the firewall. The copied ethernet frame field is then used to transport the data packet. Additionally, the time-to-live field is not decremented by the firewall because the protocol of the operating system that requires decrementing is ignored. The entire contents of the packet, including the header with its address and control fields are exactly the same as when the packet was received by the firewall. Consequently, any party outside the network will not be able to detect the presence of the firewall by examining the contents of the packet or the ethernet frame field.**

After the “passive copying” occurs at the firewall, the firewall proceeds to analyze the data for authorized access to the computer system. This analysis may be done with various techniques known to one of ordinary skill in the art.

Additionally, Claims 6-8, 14 and 15 have been amended to use “step for” language instead of “step of” language in order to allow these claim elements to be interpreted under 35 USC §112 ¶6.

1.) Rejection for Indefiniteness:

Independent Claims 1, 6, 9 and 14 have been amended to better claim the “passive copying” aspects of the invention. The claims now claim all essential elements and meet the requirements of 35 USC §112 and MPEP §2172.01. Therefore, withdrawal of this rejection is requested.

2.) Rejection for Obviousness:

Independent Claims 1, 6, 9 and 14 have been amended to distinguish the invention from Baum. Specifically, Baum does not teach, disclose or suggest the “passive copying” as claimed. Instead, Baum uses the term “copying” in the sense that two duplicate data packets are created. One packet is analyzed by the firewall control processor and if access is granted, both packets are delivered to the network. *Column 6, Lines 9-18 of Baum.*

In contrast with the amended claims, Baum does not teach the technique of not altering the field frame, header, trailer, etc. of the packet. Further, Baum does not even address the advantage to network security of preventing detection of the firewall to potential network intruders. For these reasons, the obviousness rejection based on Baum fails. Therefore, withdrawal of this rejection is requested.

3.) Formal Drawings:

Nine formal replacement drawings for all figures are submitted with this response.

4.) Conclusion:

In view of the preceding amendments and remarks, all rejections to the claims have been overcome. Consequently, a favorable response in the form of a Notice of Allowance for all pending claims is respectfully requested.

Please apply any additional fees or credits to Deposit Account #: 50-0954,  
Reference #: 0A612-62720.

Respectfully Submitted,



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3/19/06  
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